

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 23-158 (SRN/TNL)**

United States of America,

Plaintiff,

vs.

Traigh Sean Tillman,

Defendant.

**MOTION FOR COMPLIANCE
WITH FEDERAL RULE OF
CRIMINAL PROCEDURE 16**

MOTION

Defendant, Traigh Sean Tillman, by and through his attorney, Thomas H. Shiah, Esq., respectfully moves the Court for the following relief:

1) An Order requiring the Government to disclose and provide an opportunity to Defendant for inspection, copying, and photographing any relevant written or recorded statements made by Defendant or copies thereof, those portions of any written record containing the substance of any relevant oral statement made by Defendant, any recorded testimony of Defendant before a grand jury that relates to the offenses charged, and the substance of any other relevant oral statement made by Defendant if the Government intends to use that statement at trial. Fed.R.Crim.P. 16(a)(1)(A);

2) An Order requiring the Government to provide Defendant with copies of any handwritten or tape-recorded notes of interviews, debriefings, or surveillances of Defendant and the alleged co-conspirators made during this investigation. Fed.R.Crim.P. 16(a)(1)(A);

3) An Order requiring the Government to provide Defendant with any statements within the meaning of Rule 16(a)(1)(A) of the Federal Rules of Criminal Procedure made by his codefendants and alleged co-conspirators, whether named or unnamed;

4) An Order requiring the Government to provide Defendant with his criminal record, if any. Fed.R.Crim.P. 16(a)(1)(B);

5) An Order requiring the Government to permit Defendant to inspect, copy, and photograph all tangible objects, including books, papers, documents, photographs, buildings, places, tapes, computer disks, or the contents of any magnetic, optical, or other storage device that are material to the preparation of Defendant's defense or are intended for use by the Government as evidence in chief at the trial, or were obtained from or belong to Defendant. Fed.R.Crim.P. 16(a)(1)(C).

6) An Order requiring the Government to provide Defendant with the results of any physical or mental examinations, scientific tests or experiments, and permission for Defendant to inspect, copy, and photograph the results or reports of physical or mental examinations, scientific tests or experiments, or copies thereof, that are material to the preparation of the defense or that are intended for use by the Government as evidence in chief at trial, including but not limited to permission to inspect or obtain copies of any test results as well as the results of any fingerprint examinations that may have been performed. Fed.R.Crim.P. 16(a)(1)(D).

7) An Order requiring the Government to disclose to Defendant a written summary of testimony the Government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case in chief at trial describing the witnesses' opinions, the bases and the reasons therefore, and the witnesses' qualifications. Fed.R.Crim.P. 16(a)(1)(E).

8) Counsel acknowledges that he has received a significant amount of discovery to date as well as multiple letters from government counsel listing the evidence produced and its obligations under applicable law. This discovery includes forensic evidence relating to DNA testing but also indicates that additional forensic testing may be forthcoming and defendant requests that it be provided as soon as it becomes available. With respect to the forensic testing and any expert report, it is defendant's request that a definitive time table be set for disclosures of those reports and that it be at least 30 days before trial. With respect to other discovery that has been provided including affidavits in support of search warrants, significant information has been redacted including the names of particular individuals referenced in the reports and relied upon for issuance of at least one search warrant for Facebook data. As a result, any meaningful review is impossible. Accordingly, it is requested that counsel be provided unredacted copies of all discovery subject to the protective order previously entered by the Court.

In addition, the government has advised that they may intend to seek a guideline enhancement based on the death of the individual in this case. Accordingly, counsel has requested all available medical information relating to the homicide including medical examiner's report, autopsy report and any related information. In addition, to the extent the government intends to establish a nexus between Mr. Tillman and any gang affiliation, defendant is requesting all supporting documents including any expert opinions or reports.

Dated: August 1, 2023

Respectfully submitted,

S/Thomas H. Shiah

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ATTORNEY FOR DEFENDANT